

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYNE L. PICKERING, No. C-10-4616 TEH (PR)
Plaintiff,
v. ORDER OF DISMISSAL
JOHN DOE,
Defendant.

18 On October 13, 2010, pro se prisoner Wayne L. Pickering
19 filed a letter with the Court that discussed the medical care he
20 received while a prisoner in the California Department of
21 Corrections ("CDCR"). Doc. #1. The Court Clerk notified Plaintiff
22 in writing at that time that because he neither filed a formal civil
23 rights complaint under 42 U.S.C. § 1983 using the court-approved
24 form nor did he pay the requisite \$ 350.00 filing fee or, instead,
25 submit a signed and completed court-approved in forma pauperis
26 application, including a completed certificate of funds in his
27 prison account and a copy of his prison trust account statement for
28 the last six months obtained from the appropriate prison official,

1 the action was deficient. See 28 U.S.C. § 1915(a)(2). Plaintiff
2 was advised that failure to file the requested items within thirty
3 (30) days would result in dismissal of the action. Doc. ## 2 & 3.
4 On October 27, 2010, Plaintiff filed another letter with the Court,
5 explaining that although he wished to pursue a federal civil rights
6 action against CDCR he had not yet exhausted administrative
7 remedies. Doc. #4.

8 Almost fifty days have elapsed since Plaintiff was
9 notified of his filing deficiencies; however, he has neither
10 provided the Court with the requisite items nor filed a request for
11 an extension of time to do so. The action, therefore, is DISMISSED
12 without prejudice. Plaintiff is advised he may file a new action
13 using the appropriate court-approved forms after he has exhausted
14 administrative remedies.

15 The Clerk is directed to terminate all pending motions as
16 moot and close the file.

17
18 IT IS SO ORDERED.

19
20 DATED 12/1/10


21 THELTON E. HENDERSON
22 United States District Judge